

don't make it a crime to have sex with a partner of an opposite sex.

Again, the 14th Amendment says zero about intimacy or sexual relations or reproduction, but there is a zone of decisions we are entitled to make as citizens of this country that the criminal law cannot intrude upon.

Obergefell, you can marry someone of the same sex, same rationale.

So when the Supreme Court said: Well, there is nothing about abortion in the 14th Amendment, well, they are right. The word "abortion" is not in the 14th Amendment. But it has been clear now for more than 100 years, and it was really clear when the 14th Amendment was added to the Constitution that we are no longer just citizens of 50 States; we are citizens of a country that believes individuals have decision making power and autonomy, and the criminal law of this country can't reach in and throw you in jail for making decisions about how you operate the most intimate areas of your life.

That is why the Supreme Court's decision in *Dobbs* is so destructive. It is as if they do not understand the history of this country before the 14th Amendment, when there was no definition of citizenship, and it is as if they do not understand what the 14th Amendment was designed to do.

I will conclude by making one other comment. The Court sort of sunnily suggests that, well, no worries; abortion now gets no constitutional protection, but this can be resolved by State legislatures.

It was State legislatures that were the problem that the 14th Amendment was designed to address. It was State legislatures that passed the laws about slavery. It was State legislatures that prohibited women in the State of Illinois from taking the bar exam. It was State legislatures that imposed all kinds of restrictions upon the right to vote.

So the notion that, OK, there is no constitutional protection for privacy anymore, but State legislatures will take care of it is a fundamental misunderstanding.

And why weren't State legislatures sufficient? It was because slaves weren't represented in State legislatures, and women, at the time, weren't represented in State legislatures. And so we needed a zone of protection for decision making because people who have traditionally not been represented in State legislatures or this Congress can hardly look with confidence on the ability of a majority that does not include them to protect their interests.

One example, Congress today, the U.S. Congress today is about 26 percent women. That is our North Star in our history. That is the best we have ever been.

Guess what. That ranks us in the world, if you look at national parliamentary bodies that ranks us about 75th, below the global average, below nations like Mexico, below Iraq and Afghanistan, far below leading nations

like Rwanda, where more than 50 percent of the legislature is women.

To say to the women of this country: We are taking away rights you have relied upon for more than 50 years but no worry, no worry; you can go to the State legislature, where you are dramatically underrepresented, which is the case in most of our State legislative houses, you can go there, and they will give you a fair shake, is to put on blinders instead of looking at reality.

The 14th Amendment was put in the Constitution for a reason. It was to give a right for individual decision making to every citizen in this country, no matter whether they were politically powerful or not, no matter whether there was anybody in the legislative body who looked like them or not, and to say that being an American gave you those rights and those rights couldn't be taken away couldn't be taken away by the long arm of the criminal law in statutes that were elected, enacted by State legislatures where you were not represented, that is why this ruling is so destructive.

And that is why my colleagues and I must work so hard to make sure that we don't devolve back to a pre-14th Amendment society, where your ability to exercise fundamental decisions depends upon the ZIP Code you were born or live in, but that instead we accord the right to make fundamental personal decisions equally to everyone who is an American.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, let me thank my colleague from Virginia. Every Member of the U.S. Senate should have heard his words and, if not, read his words to understand the gravity of the decisions by the Supreme Court and the threats that have been made by Justice Thomas to venture into even more areas, depriving us of our basic constitutional rights in the name of States' rights.

I want to thank the Senator from Virginia. He gave a big part of his life to civil rights litigation. And if you are a lawyer and heard his presentation today, you would not want to be on the other side of the courtroom. He is convincing; he is well-prepared; and he explains with clarity why this is a moment in history which we should not ignore.

LEGISLATIVE SESSION

Mr. DURBIN. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I move to proceed to executive session to consider Calendar No. 1035.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Nina Nin-Yuen Wang, of Colorado, to be United States District Judge for the District of Colorado.

CLOTURE MOTION

Mr. DURBIN. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 1035, Nina Nin-Yuen Wang, of Colorado, to be United States District Judge for the District of Colorado.

Richard J. Durbin, Robert P. Casey, Jr., Sherrod Brown, Tammy Baldwin, Tina Smith, Jeanne Shaheen, Chris Van Hollen, Elizabeth Warren, Catherine Cortez Masto, Tim Kaine, Benjamin L. Cardin, Christopher Murphy, Maria Cantwell, Christopher A. Coons, Jack Reed, Gary C. Peters, Tammy Duckworth.

LEGISLATIVE SESSION

Mr. DURBIN. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I move to proceed to executive session to consider Calendar No. 988.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Nancy L. Maldonado, of Illinois, to be United States District Judge for the Northern District of Illinois.

CLOTURE MOTION

Mr. DURBIN. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 988, Nancy L. Maldonado, of Illinois, to be United States District Judge for the Northern District of Illinois.